United States General Accounting Office Washington, DC 20548

Office of General Counsel

In Reply 1 Refer to: 3-199163

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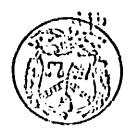
Hr. Motvin Graz 715 South Kingsley Drive Los Angeles, California 90005 Do not make avallable to public remaining.

bear Mr. Gray:

Ve have received your letters dated January 9, February 15, and 16, 1979, requesting) reconsideration of our decision B-190168, Hoverber 9, 1977, concerning your claim for backpay believed due Incident to your military service between the years 1963 and 1967. With your letters of lanuary 9 and February 15, you enclosed copies of your pay records for the period of your active military service.

While the pay records indicate that your inactive, service with the Illinois Ary Mational Guard from Asympton 5, 1963, to March 14, 1964, was not counted for pay purposes, apparently that information was available to you at the time of your release from active duty on July 31, 1967. The fack that a histoke was made on the MO Form 214 at the time of your release, which was later corrected by the Adjutant General, does not change the fact that your basic udlitary records prior to July 1967, the date of your release from active duty, contained entries fully reporting and substanting the inactive Illinois Army Hational Guard service. The fact that your pay records did not reflect credit for the inactive duty was a fact which was known to you or should have been known to you during the time you were on netive duty as you received and signed your military pay vouchers.

It is unfortunate that you did not take action sooner to file n claim with our Office. However as pointed out to you in our Boyamber 9, 1977 decision and subrequent correspondence, the correction of the charlest error on your form to 214 did not create my now claim or legal entitionent since that corrective action on the 90 Form 214 left unchanged the basic facts of your military service as set forth in your original military paraonnel records. Therefore, your claim which was first received in our Office nearly 10 years after it accrued, is barred from consideration by 31 U.S.G. 71a which requires that closes be received within 6 years ofter they accrus.



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8-190168

Accordingly, there is no basis for us to change the determination in the Movember 9, 1977 decision that your claim is barred by 31 U.S.C. 71a.

EL

Sinceraly yours,

Divid F. Engshom

For Edgin J. Monsma

Assistant General Counsel